

REMARKS

Regarding the status of the present application, Claim 17 has been added, and Claims 1-17 are pending in this application. Reconsideration of this application is respectfully requested.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. The Examiner stated that "The specification is objected to as failing to provide proper antecedent basis for claims 5 and 6. In claims 5 and 6, there is no antecedent basis for "the lateral portions of the front surface are flat surfaces," and "the lateral portions of the front surface are curved surfaces," respectively." The Examiner's rejection is not understood.

The specification, in the Summary section, at page 4, lines 1-3, states that "The tapered portions of the front surface of the putter head may be flat or curved, but in any event are angled with respect to a normal to the flat ball contact surface." Also, at page 5, lines 19-22, it is stated that "In the exemplary putter head 20 illustrated in the drawing figures, the lateral portions 24 of the front surface are flat surfaces. However, it is to be understood that the lateral portions 24 of the front surface may have any surface shape, such as curved (illustrated by the dashed lines in Fig. 3)."

Thus, it is clear that the specification provides sufficient antecedent basis for the tapered portions (lateral portions) may either be flat or curved. Withdrawal of the Examiner's objection is respectfully requested.

Claims 1-6 and 9-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 3,819,180 issued to Murphy. Claims 1 and 9 have been amended to better define the tapered nature of the lateral (tapered) portions of the putter head. It is respectfully submitted that independent Claims 1 and 9 are not disclose or suggested by the Murphy patent.

The Examiner's position is that "Murphy discloses a putter head comprising: a straight or offset shaft 14 (Figs. 1 and 6), a single solid, trapezoidal, unitary body 10 with relatively small, flat impact face (Col. 2, lines 53-59), and deflected balanced wings 17 and 18 constitutes lateral portions (Figures 1-6). Regarding claims 5-6 and 13-14, it is inherent in view of Murphy that the deflected balanced wings will deflect a golf ball away from its intended target whether the wings have flat or curved surfaces."

Claim 1 calls for a putter comprising:

a shaft having a grip disposed at an upper end;
a putter head disposed at a lower end of the shaft that comprises:
a single, solid, unitary body having a front surface with a relatively small, centrally-located, flat ball contact surface that comprises a sweet spot of the putter head and lateral portions that taper rearwardly away from the ball contact surface.

It is respectfully submitted that the Murphy patent does not disclose or suggest that the putter head has "a relatively small, centrally-located, flat ball contact surface." Webster's New International Dictionary, Second Edition, defines the term "flat" as "having an even and horizontal surface, or nearly so, without marked prominences or depressions; level and smooth."

This is clearly not the structure of the Murphy ball contact surface. The ball contact surface of the Murphy putter head has a plurality of perforations 34 disposed in or through it. Thus, the Murphy ball contact surface is definitely not flat.

It is respectfully submitted that the Murphy patent does not disclose or suggest that the putter head has "lateral portions that taper rearwardly away from the ball contact surface" as is recited in Claim 1. The Murphy patent discloses at column 2, in the paragraph starting at line 45, that:

"The putter head 11 comprises a middle section 16 in block form sloping inwardly at its rear as illustrated in FIG. 2 and the cross-sectional view of FIG. 4. Two blade-like lateral extensions angularly offset from the middle portion 16 deflected balance wings 17, 18. The middle portion 16 of the putter head 11 has an upright front surface or impact surface 19 for striking the golf ball, which is relatively flat and defined by lines 20 and 21, and perpendicular to the top surface 13 of the head 11. The right lateral balance wing 17 and left lateral balance wing 18 extend angularly to the rear as illustrated in FIG. 3 and their front surfaces 22, 23 extend angularly upward at a slight acute angle from the perpendicular as illustrated in the side elevational view of FIG. 2."

It is clear from this portion of the Murphy patent that the deflected balance wings (corresponding to the presently claimed lateral portions) taper upwardly and rearwardly away from the bottom of the putter head as is shown in Fig. 2. In the present invention, the lateral portions taper rearwardly away from the edges of the ball contact surface toward the sides of the putter head.

Thus, it is respectfully submitted that the limitations recited in Claim 1 are not disclosed or suggested by the Murphy patent. Claim 9 includes substantially the same limitations as are recited in Claim 1. Therefore, it is respectfully submitted that the subject matter recited in Claims 1 and 9 are not disclosed or suggested by the Murphy patent. Withdrawal of the Examiner's rejection and allowance of Claims 1 and 9 are respectfully requested.

Claims 2-6 and 10-14 are considered patentable based upon the allowability of Claims 1 and 9. Also, with regard to Claims 6 and 14, it is respectfully submitted that the Murphy patent does not disclose or suggest that the lateral portions of the putter head are curved. Therefore, it is respectfully submitted that the invention recited in Claims 2-6 and 10-14 are not disclosed or suggested by the Murphy patent. Withdrawal of the Examiner's rejection and allowance of Claims 2-6 and 10-14 are respectfully requested.

Claims 7, 8, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 3,819,180 issued to Murphy in view of Design Patent No. D234,962 issued to Swash and US Patent No. 5,769,737 issued to Holliday et al.

It is respectfully submitted that the Murphy patent discloses a putter that would not be modified to have a flat base with relatively thick lateral ends as is recited in Claims 8 and 15. The Murphy putter head is generally triangular when viewed from the side, and has a minimal ground contact surface (bottom 33). The Murphy patent states at column 4, lines 20-25, that "Referring to the side elevational view of FIG. 2 and the cross-sectional view of FIG. 4, it can be seen that the rear portion of the middle section 16 of head 11 is angularly formed to have

minimal depth at the bottom 33 of head 11." Therefore, modifying the Murphy putter head to have a flat base with relatively thick lateral ends would distort the express teachings of the Murphy patent. It is respectfully submitted that this amounts to hindsight reconstruction.

It is respectfully submitted that the Murphy patent discloses a putter that would not be modified to add a cavity as recited in Claims 9 and 16. Fig. 2 of the Murphy patent reveals that the side cross section of the putter is generally triangular, and since the shaft is inserted into the top side of the putter head there is no way to modify the head to introduce a cavity at the back. One skilled in the art would not add a cavity to the Murphy putter head, since the bottom portion of the head is already removed. It is respectfully submitted that this rejection by the Examiner is based upon hindsight reconstruction.

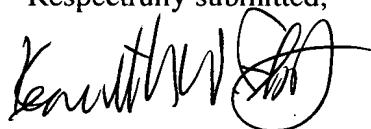
Dependent Claims 7, 8, 15 and 16 are also considered patentable based upon the allowability of Claims 1 and 9. Therefore, it is respectfully submitted that the invention recited in Claims 7, 8, 15 and 16 are not disclosed or suggested by the Murphy patent. Withdrawal of the Examiner's rejection and allowance of Claims 7, 8, 15 and 16 are respectfully requested.

Newly added Claim 17 further defines the putter head, calling for "... lateral portions that taper rearwardly away from the ball contact surface from respective lateral edges of the ball contact surface to respective outer edges of the putter head." In addition to the patentable aspects recited in Claim 1, for example, it is respectfully submitted that the Murphy patent does not disclose or suggest that the putter head having lateral portions that taper rearwardly away from the ball contact surface from respective lateral edges of the ball contact surface to respective outer edges of the putter head. The Murphy deflected balance wings (corresponding to the presently claimed lateral portions) taper upwardly and rearwardly away from the bottom of the putter head as is shown in Fig. 2. Allowance of Claim 17 is respectfully requested.

The prior art heretofore made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that all pending Claims are allowable over the art of record and that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,



Kenneth W. Float
Registration No. 29,233

The Law Offices of Kenneth W. Float
2095 Hwy. 211 NW, Suite 2F #356
Braselton, GA 30517
Telephone: (949) 257-7964
Facsimile: (770) 867-0082
E-mail: kwfloat@floatlaw.com